

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Sammy Lee Pendleton,	:	
	:	Civil Case No. 2:08-cv-01200
Petitioner	:	Criminal No. 2:07-cr-00181
v.	:	Judge Graham
United States of America,	:	Magistrate Judge Abel
Respondent	:	

ORDER

Petitioner Sammy Lee Pendleton, a federal prisoner, brought this action, which he styles a petition for writ of habeas corpus, alleging that the United States has violated his constitutional right to life and liberty. This matter is before the Court on petitioner's January 12, 2009 motion to reconsider Magistrate Judge Abel's January 6, 2009 Report and Recommendation that the petition for writ of habeas corpus under 28 U.S.C. §2255 be denied.

On August 28, 2007, Samuel Lee Pendleton was indicted on two counts of bank robbery. On October 12, 2007, his attorney filed a motion for a competency examination. That motion was granted. Following the competency examination, the Court concluded that Sammy Lee Pendleton was incompetent to stand trial and committed him to the custody of the Attorney General of the United States for treatment. July 24, 2008 Order (doc. 27). No appeal was taken from that decision.

Petitioner argues that he is entitled to habeas corpus relief. He asks that the court order an audit of the Kansas State Bank, Kansas Federal Reserve Bank, Kansas City Bank and Oklahoma Federal Reserve Bank using his name and social security number. He asserts that the audits will show the actions taken by employees of Leavenworth FCI. Petitioner states that he makes his request because he is "being tortured and [is] without no one to assist him because he is stereotyped or thus labeled as mentally ill by the United States. . . ." Employees of Leavenworth FCI have "indoctrinated his family and church and friends [so] that Pendleton has no other place to turn but to the United States of America . . . "

Upon *de novo* review as required by 28 U.S.C. §636(b)(1)(B), the Court ADOPTS the Report and Recommendation. The petition fails to state a claim for relief in federal habeas corpus under 28 U.S.C. §2255. The relief Pendleton seeks is not available through federal habeas corpus.

The petition for writ of habeas corpus is DENIED. This action is hereby DISMISSED. The Clerk of Court is DIRECTED to enter JUDGMENT for respondent.

S/ James L. Graham

James L. Graham

United States District Judge

Dated: January 26, 2009